MR. A. THANU PILLAI (*Trivandrum*) : If the time allotted for the demand is over and if the demand is put to the House, I wish tooppose, and I want the House to be divided.

PRESIDENT : Why not you wait till I put it ?

MR. A. THANU PILLAI (*Trivandrum*) : I must honestly submit, Sir, that I find it difficult to hear you in full; I do not want to be late in raising my opposition.

PRESIDENT : But, at any rate, you have to do it only in time, and not prematurely.

I now put to the House Demand X—General Administration, Heads other than Account Office, for Rs. 2,12,415.

MR. A. THANU PILLAI (*Trivandrum*) : I oppose, and I want the House to be divided.

PRESIDENT : I rule that no voting by division arises at this stage. I therefore put the demand to the House and take it as carried (*Cries of "No", from Messrs. Thanu Pillai and Kunjukrishna Pillai.*)

The grant was made.

The House adjourned for lunch at 2-10 P. M. and re-assembled at 2-55 P. M.

DEMAND XI—GENERAL ADMINISTRATION—ACCOUNT OFFICE.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : Sir, I rise to move for a grant not exceeding Rs. 1,10,664, under Demand XI—General Administration—Account Office.

The following motions were not made :

Motions 358 to 363.

MR. K. I. KOCHEEPPAN MAPPILLA :

358. To reduce the allotment of Rs. 99,374 for establishment by Re. 1.

MR. A. S. DAMODARAN ASAN :

359. To reduce the allotment of Rs. 99,374 for establishment by Rs. 225.

ACCOUNT OFFICE—*Allowances.*

MR. K. C. CHANDI :

360. To omit the allotment of Rs. 5,500 for travelling allowance by Rs. 10.

MR. K. C. KARUNAKARAN :

361. To reduce the allotment of Rs. 5,500 for travelling allowance by Rs. 10.

ACCOUNT OFFICE—*Supplies and Services and Contingencies.*

MR. N. JOHN JOSEPH :

362. To reduce the allotment of Rs. 5,790 for supplies and services and contingencies by Re. 1.

Motions for reduction of total grant under Demand XI.

MR. K. P. MADHAVAN PILLAI (*Chirayinkil*) :

363. To reduce the total allotment of Rs. 1,10,664 under Demand XI by Re. 1.

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Motion 364.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Sir, I beg to make the following motion :

To reduce the total allotment of Rs. 1,10,664 under Demand XI by Re. 1.

Sir, my object in making this motion is to impress upon the Government the absolute necessity of constituting a Public Accounts Committee. Sir, we have got the right to vote upon the demands ; and there is also a Standing Finance Committee. As regards the control exercised by the Finance Committee I have stated the bitter experience of that committee, at the time of the general discussion on the budget and also this morning. Though we have this right of voting grants, and also the Finance Committee, my submission is that the work turned out by us in the Finance Committee, and in the Council by voting on the demands can be really beneficial to the people only if there is a Public Accounts Committee. It is our duty to see that the amounts that we vote are properly spent, and spent for the purposes for which they are voted. This morning the learned Chief Secretary was saying that though six peons were not sanctioned by this Council they were temporarily employed during1106 the money being found by diversion from another item. So, as it is, the Government is competent to divert the allotment that we make for a particular purpose to some other purpose under the same demand. And, this fact was brought to the notice of this House by the Chief Secretary only by accident. So, amounts allotted for particular purposes are being diverted by the Government for other purposes. So, in order effectively to control the finances of this State, in order to ascertain whether the amounts asked for in this Council are absolutely necessary for carrying on the administration of the country and in order to know whether the amounts so allotted are properly applied, it is absolutely necessary that a Public Accounts Committee must be constituted. The learned members on the other side, whenever they find it necessary, take into comparison what obtains in Mysore. I wish to state that they have a Public Accounts Committee there. If the Government wish to copy certain things from Mysore, I suggest that they may, with advantage, copy this also. With these words, I place the motion for the consideration of the House.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : Sir, the object of a Public Accounts Committee is greatly served by the Appropriation Report now being submitted by the Account Officer. That report contains the amounts voted by the Council, the amounts sanctioned by Government under Section, 16 (9) of the Legislative Council Regulation, the amounts voted by the Council as Supplementary Grants, and also the amount spent on all the three items together. The Report also gives further information as to the items under which the voted grant has been exceeded and those under which savings have been effected. Similar details are furnished in respect of non-votable grants also. I do not mean to say that the Public Accounts Committee would be of no use whatsoever. In British India, there is a Public Accounts

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[Mr. R. Nilakanta Pillai]

Committee under the Government of India Act, and there are also Provincial Public Accounts Committees. There is a Public Accounts Committee in Mysore. I admit all these; but the Public Accounts Committee of the Government of India and the Provincial Committees have all been constituted under the Government of India Act, and the Rules passed thereunder. In Travancore, the Legislative Council Regulation does not contain any provision regarding the consitution of a Public Accounts Committee. So, if such a Committee is to be constituted here, the Regulation must be suitably amended. In Mysore and in all the British Indian Provincial Committees, the Committee is presided over by the Finance Member. In Mysore, they have not only a Finance Member but also a Financial Secretary and an Accountant-General, who has certain functions in respect of the appropriation accounts placed before the Committee. So, if a Public Accounts Committee is to be constituted here, there should be an Accountant-General and a separate Financial Secretary, and also a Finance Member to preside over the deliberations of the Committee.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I point out to the member that the necessity for the separation of the office of the Financial Secretary from the Account Officer has been, more than once, brought to the notice of the Government in this Council itself by the members on this side of the House?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Government have admitted that there is no harm in separating the office of the Account Officer from that of the Financial Secretary; only they have not taken up the question on account of the cost involved. The Account Officer here corresponds to the Accountant-General in British India, and performs identical functions. The Accountant-General of British India prepares the Appropriation Report and places it before the Public Accounts Committee. The Finance Member presides over the deliberations of the committee. The full scheme involves considerable expenditure of money. Further, as I have already pointed out, the Public Accounts Committees in British India have been constituted under Section 72 of the Government of India Act.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): May I ask my friend whether there is anything in our Legislative Council Regulation *preventing* the constitution of a Public Accounts Committee by an administrative measure? Is it absolutely necessary that the Regulation should be amended for this purpose?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Sir, the Finance Committee that we have at present is merely an advisory body without any power of voting. It is not a statutory body, nor has it any statutory functions—I do not see any purpose in creating another similar institution by an administrative order.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Has it ever been suggested that the ineffective working of the Finance Committee was due to the fact that it has been created by an executive order and not constituted under the Regulation?

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MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): In British India the Finance Committee is created by an executive order. There is no provision for the creation of a finance committee in the Government of India Act.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): May I just point out to my friend that Mr. Asan's complaint against the Finance Committee is that it has not been given adequate powers and not that it is not a statutory body?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I am submitting, Sir, that we have just copied British India in regard to the constitution and powers of our Finance Committee.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy Pesident*): Quite so. I am just asking whether, without amending the statute, an institution, corresponding to the Public Accounts Committee in British India, could not be created here by an executive order?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): There is some difficulty. The Public Accounts Committee in British India is constituted under Rules framed under Section 72 (D) 5 of the Government of India Act. The main function of the Public Accounts Committee is to deal with the Appropriation Accounts of the Province and the report of the Audit officer thereon and such other matters as the Finance Department may refer to it. The Public Accounts Committee has a non-official majority and the Finance Member is the Chairman of the Committee, and in case of equality of votes on any matter the Finance Member has a second or casting vote. The power of voting which the Public Accounts committee has is an important privilege which is now denied to the Provincial Finance Committees, as these Provincial Finance committees are constituted in British India under an executive order and not on a statutory basis. In British India, the proceedings of the Finance Committee are informal and there is no recording of votes. My submission is that, if there should be an effective Public Accounts Committee, must be constituted under the Legislative Council Regulation.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Does the Mysore Legislative Council Regulation expressly provide for a Public Accounts Committee?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I have not examined the Mysore Regulation. I have looked into the Government of India Act and the Rules thereunder. If the Public Accounts Committee is to function effectively, the Finance Department in Travancore should also be suitably constituted on a statutory basis. In British India, the Finance Department is constituted under the Devolution Rules passed under the Government of India Act.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Is there anything to prevent the Government of Travancore from making the necessary rules?

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MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): That is a matter for consideration, and the Government will consider the same.

MR. A. THANU PILLAI (*Trivandrum*): Why is it that the Finance Committee here is not functioning properly?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): As it is constituted, it can only function as it does now. It was Mr. Asan who said that the Finance Committee does not function properly.

MR. A. THANU PILLAI (*Trivandrum*): But does the member agree with that view of Mr. Asan?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I only quoted Mr. Asan.

MR. A. THANU PILLAI (*Trivandrum*): But, since the Financial Secretary builds up his argument on that, I wish to know whether he agrees with Mr. Asan's view about the working of the Finance Committee?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I do not agree entirely with Mr. Asan.

MR. A. THANU PILLAI (*Trivandrum*): He thinks that the Finance Committee is not functioning properly?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I cannot say that I am fully satisfied with its working; but it is functioning as well as was expected when it was constituted.

In the light of my assurance that the Government would consider the matter of the constitution of a Public Accounts Committee, here, I hope Mr. Asan will withdraw his motion.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): May I know from the member whether the Public Accounts Committee in British India is authorised to regulate the public expenditure there?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The Public Accounts Committee there reviews the expenditure after it is incurred. The Finance Committee authorises expenditure to a certain extent, and the Public Accounts Committee reviews the expenditure after it has been incurred and sees whether there is any irregularity and whether the departmental officers have exceeded their powers and whether the votable items have been properly spent.

MR. A. THANU PILLAI (*Trivandrum*): May I know from the member whether the Finance Committee in British India has a non-official majority?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Yes.

MR. A. THANU PILLAI (*Trivandrum*): The Public Accounts Committee?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Yes.

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MR. A. THANU PILLAI (*Trivandrum*): So, if in our Finance Committee also, provision is made for a non-official majority, does not the member think that it would work more efficiently than at present?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): But, the chief point is the right of voting. Unless the members are given the right to vote, it is immaterial whether there is an official or a non-official majority. In the Public Accounts Committee in British India, the members have the right to vote. That is the most important point of difference between the Finance Committee and the Public Accounts Committee.

MR. A. THANU PILLAI (*Trivandrum*): But is it not possible, even by an administrative order, to constitute a Public Accounts Committee with the right to vote?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): My point is that the basis of such a committee should be some legislative enactment. Anyhow, it is a matter which requires careful consideration. I have already given an assurance that Government would consider the question of constitution of a Public Accounts Committee. I hope the member will withdraw his motion in the light of my assurance.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I wish to speak a few words in reply to some of the points raised by the Financial Secretary.

Sir, the Financial Secretary made a reference to the Appropriation Report. So far as I am able to see, that Report enables us to ascertain whether the Departmental Heads have been able to estimate correctly the expenditure for their respective departments for the coming year. That is all that I find from the Appropriation Report.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Does it not contain a review of the whole of the finances of the year?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Only, taking the departments as a whole; it does not refer to particular items in the budget in detail. It refers only to each demand as a whole.

MR. K. GEORGE (*Chief Secretary to Government*): Does it not deal with all the grants?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The Council is entitled to reduce amounts under each item. But the Appropriation Report does not show, with respect to each item in the Budget, how the amount allotted is actually applied.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): May I inform the member that, in British India also, the Appropriation Report deals only with the total demand?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Yes; I fully agree with the member. That is why I say that the Appropriation Report is not an adequate substitute for the Public Accounts Committee. And that is why, I think, they have a Public Accounts Committee also in British India.

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MR. K. GEORGE (*Chief Secretary to Government*): May I add, Sir, that a specific cut under a specific item is kept up by the Account Office; for instance, if a reduction is made in the T. A. of a particular officer, the Account Office in its audit, takes care to see that the amount allowed by the Council is not exceeded by the officer. Nor will the Account Officer divert the provision under any other item to make up the specific cuts made by the Council.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): That is all right. But when there is no cut under a particular item, at present it is liable to be increased by diversion from some other item.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): But it will be only in accordance with the rules in the Account Code.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): But the sanction of this House is not necessary.

Another difficulty raised by the Financial Secretary is that there is no provision in the Legislative Council Regulation for the constitution of a Public Accounts Committee. Assuming that such statutory provision is necessary, I do not see the difficulty for the Government making such necessary amendments in the Regulation itself. The learned Deputy President has suggested that there would be no harm in constituting a Public Accounts Committee by means of an administrative order. In the case of the Finance Committee, its defective working, that I referred to, is due to two facts. Firstly, the committee is allowed only to examine the Budget and not to vote upon it. Secondly, there is an official majority in that committee, so that, even if voting is allowed, the Government would always get what they want. These are the two reasons for the defective working of the Finance Committee; and not the manner in which it has been brought into existence.

With regard to the separation of the Financial Secretary and the Account Officer, it is a proposal which would be welcomed by this side of the House. My friend, Mr. A. G. Menon, has been advocating it in previous Councils. That is absolutely necessary for efficient auditing. Two years back a similar motion was brought forward.....

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Suppose we change the designation of the present officer as 'Accountant General.' Will the member be satisfied with that?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The functions of the Financial Secretary and the Accountant General are quite distinct from each other. At present, both devolve on the same officer. It is not merely a question of changing the designation. I am not at all enamoured of a change in the name of the officer. The Accountant General must not be under the direct control of the Government.

Sir, two years back this question was brought to the notice of Government by a motion brought forward by Mr. Patchu Pillai, and the Chief Secretary said that it was an important matter which required the consideration of the Government, and that they would consider it.

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Two years have now elapsed, and I do not know whether their consideration, during these two years, has resulted in anything substantial. If the promise now made by the Financial Secretary is also such a hollow one, I do not know whether I should be satisfied with it.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I would suggest to the member to wait and see. That is all I can say.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): If the Financial Secretary assures us that the matter will engage the *early* attention of Government, I do not intend to press my motion.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I have already stated that the matter will engage the attention of Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Then I withdraw the motion.

The motion was, by leave, withdrawn.

Motion 365.

The following motion was not moved:

MR. P. S. MAHOMED:

365 To reduce the total allotment of Rs 1,10,664 under Demand XI by Rs. 10.

Motion 366.

MR. S. KRISHNA PILLAI:

To reduce the total allotment of Rs 1,10,664 under Demand XI by Rs. 500.

PRESIDENT: Are you moving it, Mr. Krishna Pillai?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Yes, Sir.

PRESIDENT: As you have put it, it is a specific cut of Rs. 500 and you will have to confine yourself to how the Rs. 500 in the allotment is an excess.

MR. S. KRISHNA PILLAI (*Karunagapalli*): My impression is that this motion was sent up because there were very grave irregularities or omissions on the part of the Account Officer. I merely wanted to point out that to the House.

PRESIDENT: Unless your motion is one that can be admitted, you cannot move it. If you want it merely as a token motion then Rs. 500 is not the figure. If you put in Rs. 500 then the motion becomes a specific cut motion and you will have to point out how this Rs. 500 is an excess. If you cannot do that then you cannot discuss it. You will first explain how this Rs. 500 is an excess. You will have to show some specific item which can be cut out.

MR. S. KRISHNA PILLAI (*Karunagapalli*): In sending up this motion my object was to draw the attention of this House to an omission made by the Account Officer and a consequent misappropriation of public moneys to the extent of Rs. 500. As that amount which in my opinion would agregate to Rs. 500, I entered that amount in the motion.

PRESIDENT: Which is that amount?

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MR. S. KRISHNA PILLAI (*Karunagapalli*): At page 120 of the Preliminary Budget, for the Sri Mulam Technical School two assistant lcturers have been provided for. They are said to be drawing a salary of Rs. 80-5-120. They are drawing more. The Account Officer will have to account for the money that he has not budgeted for.

PRESIDENT: You do not properly understand the objection that has been raised. You move that Rs. 500 be cut out of a particular item. You must show with regard to that particular item how Rs. 500 is in excess. In the way in which you put it, I cannot allow the motion.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Please hear me. I have only a word more. What I say is that the Account Officer is responsible for this Budget.

PRESIDENT: That is not what I said. You must confine yourself to this allotment.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Yes. Under this allotment it is not provided for. What is provided for has been drawn by some officer in some other department.

PRESIDENT: You are generally finding fault with the Account Officer. That must be done under a token cut. I cannot allow you to do it under a specific cut. I rule you out of order.

I put Demand No. XI—General Administration—Account Office Rs. 1,10,664 I take it the House sanctions the Demand.

The grant was made.

DEMAND XII—ADMINISTRATION OF JUSTICE.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to move for a grant not exceeding Rs. 7,95,352 under Demand XII—Administration of Justice.

Motion 367.

The following motion was not made;

MR. K. I. KOCHEEPPAN MAPPILLA:

367. To reduce the allotment of Rs. 49,427 for establishment by Rs. 100.

Motion 368.

MR. RAMA VARMA RAJA (*Edavagai*): I move the following motion:

To reduce the allotment of Rs. 62,991 for High Court by Re. 1.

സർ, ഈ ഉപക്ഷേപം രാജരാക്കുന്നതു് ഇപ്പോൾ ചീഫ് ജസ്റ്റീസിനു അനുവദിച്ചിരിക്കുന്ന ൨ ൦ ൦ രൂപായുടെ ശമ്പളക്കൂടുതലിനെപ്പറ്റി പ്രസ്താവിക്കുന്നതിനുവേണ്ടിയാണു്. രാജ്യം ഒട്ടുക്കുള്ള ജനങ്ങൾ—ഇവിടെഎന്നു മാത്രമല്ല, എവിടേയും—ഉദ്യോഗസ്ഥന്മാരുടെ ശമ്പളം കുറയ്ക്കണമെന്നു് മുറവിളി കൂട്ടിക്കൊണ്ടിരിക്കുന്ന ഈ അവസരത്തിൽ ചീഫ് ജസ്റ്റിസിനു് ൨ ൦ ൦ രൂപാശമ്പളം കൂട്ടിക്കൊടുക്കേണ്ട കാരണം എന്താണെന്നു് മനസ്സിലാകുന്നില്ല. അദ്ദേഹത്തിനു് ആദ്യത്തെ കവനൻറ് പ്രകാരം

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